

AGING, DEPARTMENT ON[17]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 231.23 and 17A.3, the Iowa Department on Aging hereby gives Notice of Intended Action to rescind Chapter 6, “Area Agency on Aging Planning and Administration,” Iowa Administrative Code, and to adopt a new Chapter 6 with the same title.

The proposed rules in new Chapter 6 are streamlined, and outdated and duplicative rules have been eliminated. Proposed Chapter 6 mandates that area agencies on aging submit an area plan pursuant to state and federal laws, rules, and regulations and provides an area plan amendment process. Proposed Chapter 6 also includes a governance rule. Several provisions have been eliminated from Chapter 6, including provisions surrounding entrepreneurial activities. Financial provisions contained within Chapter 6 have been moved to Chapter 5, the fiscal operations chapter.

Any interested person may make written suggestions or comments on the proposed rules on or before January 29, 2013. Such written comments or suggestions should be directed to Kimberly Murphy, Iowa Department on Aging, Jessie M. Parker Building, 510 E. 12th Street, Des Moines, Iowa 50319. E-mail may be sent to kimberly.murphy@iowa.gov.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code chapter 231.

The following amendment is proposed.

Rescind 17—Chapter 6 and adopt the following **new** chapter in lieu thereof:

CHAPTER 6

AREA AGENCY ON AGING PLANNING AND ADMINISTRATION

17—6.1(231) Area plan. Each area agency on aging shall develop and administer an area plan in accordance with criteria provided in the Older Americans Act.

17—6.2(231) Area plan amendments. Each area agency on aging shall submit an area plan amendment to the department upon the occurrence of any event that requires an amendment of the area plan pursuant to the Older Americans Act. The area agency on aging shall submit an area plan amendment within 30 days of the occurrence of the event that gives rise to the need for an amendment.

17—6.3(231) Area agency on aging governance.

6.3(1) Duties of the area agencies on aging. Each area agency on aging shall perform all duties required by state and federal laws, rules, and regulations.

6.3(2) Staff requirements. Each area agency on aging shall employ a qualified director and may employ other staff as necessary to manage and monitor the area plan.

6.3(3) Director’s duties. The duties of the director of an area agency on aging shall include, but shall not be limited to, the following:

- a. Monitoring the business and performance of the area agency on aging;
- b. Adopting and implementing adequate financial and operational procedures; and
- c. Complying with all applicable state and federal laws, rules, and regulations.

6.3(4) Board of directors. Each area agency on aging shall establish a board of directors pursuant to the laws and regulations under which the area agency on aging is organized, including, but not limited to, Iowa Code chapter 504, the revised Iowa nonprofit corporation Act.

6.3(5) *Advisory council.* Each area agency on aging shall establish an advisory council in accordance with criteria provided in the Older Americans Act.

6.3(6) *Operating policies and procedures.* Each area agency on aging receiving funding under an area plan shall have written policies and procedures to govern the conduct of the agency's operations and functions.

17—6.4(231) Severability. Should any rule, subrule, paragraph, phrase, sentence or clause of this chapter be declared invalid or unconstitutional for any reason, the remainder of this chapter shall not be affected thereby.

These rules are intended to implement Iowa Code chapter 231.